

FINAL BILL REPORT

HB 1081

C 434 L 05

Synopsis as Enacted

Brief Description: Requiring prehire screening for law enforcement applicants.

Sponsors: By Representatives McDonald, O'Brien, Morrell and Pearson.

House Committee on Criminal Justice & Corrections

Senate Committee on Judiciary

Background:

The Criminal Justice Training Commission (CJTC) provides basic law enforcement training, corrections training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

Basic law enforcement officer training is generally required of all law enforcement officers, with the exception of volunteers, and reserve officers employed in Washington. The training consists of a 720-hour program covering a wide variety of subjects, including constitutional and criminal law and procedures, criminal investigation, firearms training, and communication and writing skills. All law enforcement personnel hired, transferred, or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the CJTC.

In addition to the basic training requirement, all Washington law enforcement officers must obtain and retain certification as a peace officer. As a prerequisite to certification, a peace officer must release to the CJTC all personnel files, termination papers, criminal investigation files, or any other files, papers, or information that are directly related to the certification or decertification of the officer. The CJTC has the authority to grant, deny, or revoke the certification of peace officers.

Furthermore, although not statutorily required, the WSP and several local law enforcement agencies around the state also require newly appointed peace officers to take and successfully pass a psychological examination and polygraph test as a part of the agency's hiring process for law enforcement officers.

Summary:

All new full-time, part-time, and returning reserve officers must pass a psychological and polygraph test (or any similar procedure) as a condition of continued employment as a peace officer.

Each county, city, or state hiring law enforcement agency must require that every law enforcement officer applicant who has been offered a conditional offer of employment and

every returning reserve officer who has been out of work for more than two years, to take and successfully pass a psychological and polygraph examination. The psychological examination must be administered by a Washington licensed psychiatrist or psychologist. Although additional tests may be administered at the option of the hiring law enforcement agency, at a minimum, the psychological exam must consist of a standardized clinical test that: (1) complies with accepted psychological standards; and (2) is widely used as an objective clinical screening tool for personality and psychosocial disorders. The polygraph examination or similar assessment must be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American Polygraph Association.

The hiring law enforcement agency is authorized to require those applicants taking the psychological and polygraph tests to pay a portion of the testing fee based on the actual cost of the test or \$400, whichever is less. In addition, the hiring entity may establish a payment plan for those instances where an applicant may not readily have the means to pay for his or her portion of the testing fee.

The CJTC must deny peace officer certification to any officer that has lost his or her certification as a result of a break in law enforcement work of more than two years and has failed to pass the psychological and polygraph tests.

Votes on Final Passage:

House	98	0	
Senate	38	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 24, 2005